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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,419	11/28/2005	Michael Rocleke	10191/3670	8540
26646 7590 02/25/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER AMORES, KAREN J				
ART UNIT 3616		PAPER NUMBER		
MAIL DATE 02/25/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/529,419

Applicant(s)

ROELLEKE ET AL.

Examiner

KAREN JANE J. AMORES

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgements

1. Acknowledgment is made of Applicant's amendment to the claims filed on 23 November 2007.

Claim Objections

2. Claims 7 – 11 are objected to because of the following informalities: Claim 7 states that “the at least one criterion is a time of a deployment for the first stage of airbag deployment”. Independent claim 6 states that the criterion determines the deployment of the first and second stages. Therefore, the Office assumes that the at least one criterion, with respect to the second stage, is a time of deployment *of* the first stage of airbag deployment. The limitation may be indefinite if clarification is not made. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 6 – 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Brambilla et al. U.S. 6,199,903 (“Brambilla”). Brambilla discloses a system for triggering a restraint system in a vehicle, comprising:
 5. at least one acceleration sensor (1) for measuring an acceleration of the vehicle and generating a corresponding acceleration signal;
 6. a pre-crash sensor (6) for determining a closing velocity of the vehicle in a crash; and

7. a control arrangement (2) for triggering the restraint system in a crash of the vehicle, wherein the restraint system is an airbag (3) with at least a first stage (3.1) and a second stage (3.2) of deployment, and wherein triggering of at least the first stage of deployment of the airbag is determined as a function of at least one criterion derived from the acceleration signal (column 1, line 9), and wherein triggering of the second stage of deployment of the airbag is determined as a function of a combination of the criterion and the closing velocity (column 4, line 59);
8. In reference to claims 7 – 11, Brambilla further discloses the criterion is a time (T1) of deployment for the first stage of airbag deployment; wherein the plurality of categories is defined as a function of the time of deployment for the first stage of airbag deployment and the closing velocity (fig. 3), and wherein a time of deployment for the second stage (DT) of airbag deployment is determined as a function of the defined category; wherein the second stage of deployment of the airbag is not triggered if the closing velocity is below a predetermined threshold (column 7, line 55); or wherein the plurality of categories include a first category corresponding to deployment of the second stage and a second category corresponding to non-deployment of the second stage (column 8, line 19).

Response to Arguments

9. Applicant's arguments have been fully considered but they are not persuasive. The Applicant argues that reference Brambilla does not disclose the triggering of the second stage of deployment of the airbag is determined as a function of a combination of the at least one criterion (derived from the acceleration signal) and a closing velocity. Rather, the Applicant

argues that Brambilla does not make a decision to deploy the second stage based on closing velocity, but uses it to determine the time difference between the first and second stages.

10. The Office disagrees. Brambilla discloses that the crash parameters CP that trigger the control unit 2 are corresponding to state variables derived from the acceleration signal 1 and/or the crash parameter detector 6 (fig. 1). This crash parameter detector may be a precrash sensor system for the relative speed to the collision object (column 5, line 4). Brambilla further discloses that the triggering of the second stage must be preceded by an evaluation of the acceleration, which had caused the trigger of the first stage, necessary for any trigger to the second stage, and also the state variable relative vehicle speed, to improve the overall behavior of the safety system (column 5, line 37). Brambilla shows in Fig. 5 and explains that according to acceleration and relative speed, that categories are shifted (column 9, line 28), wherein Zone I may not require the second stage deployment. Therefore, Brambilla meets the limitations of claim 6.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAREN JANE J. AMORES whose telephone number is (571)-272-6212. The examiner can normally be reached on Monday through Friday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571)-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen J. Amores
Examiner
Art Unit 3616

/K. J. A./
Examiner, Art Unit 3616

/Eric Culbreth/
Primary Examiner, Art Unit 3616